

Message Text

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APPROVED BY ARA/CEN WMATTHEWS
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TO AMEMBASSY MANAGUA NIACT IMMEDIATE

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E.O. 11652: GDS

TAGS: NU, SHUM

SUBJECT: HUMAN RIGHTS REPORT

1. ANNUAL HUMAN REPORT FOR NICARAGUA HAS BEEN GIVEN FINAL APPROVAL BY DEPUTY SECRETARY AND WILL BE TRANSMITTED TO CONGRESS SHORTLY. FINAL TEXT QUOTED BELOW. THIS TEXT IS BEING DELIVERED TO EMBASSY IN WASHINGTON ON JANUARY 31.

2. AS DEPUTY SECRETARY DIRECTED, FOLLOWING POINTS ARE BEING USED AS FRAMEWORK FOR THE PRESENTATION.

-- THE EFFECT OF NEW LEGISLATION WHICH BECAME LAW LAST YEAR IS TO REQUIRE THE SECRETARY OF STATE TO SUBMIT A "FULL AND COMPLETE" REPORT ON THE STATUS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS IN EACH COUNTRY WHICH RECEIVES DEVELOPMENT ASSISTANCE OR SECURITY ASSISTANCE FROM THE UNITED STATES. (IT MAY BE USEFUL TO PROVIDE THE TEXT OF THE CONGRESSIONAL PROVISION.)

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-- WE BROUGHT THIS LEGAL REQUIREMENT TO THE ATTENTION OF YOUR GOVERNMENT LAST NOVEMBER.

-- (FOR COUNTRIES RECEIVING DEVELOPMENT ASSISTANCE) AT THAT TIME, WE PROVIDED YOU (YOUR AUTHORITIES) WITH THE TEXT OF THE NEW LEGISLATION.

109 HUMAN RIGHTS REPORTS WILL BE SUBMITTED TO THE CONGRESS ON OR ABOUT JANUARY 31. WE ARE PROVIDING YOU WITH A PRIVATE ADVANCE COPY OF THE REPORT PREPARED ON NICARGUA.

-- CONGRESS HAS EXPRESSLY REQUESTED THAT INFORMATION PUBLISHED BY INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS BE INCLUDED IN THE REPORT.

-- THE DEPARTMENT OF STATE WILL NOT DISTRIBUTE THESE REPORTS TO THE PRESS OR PUBLIC OR OTHERWISE DRAW ATTENTION TO THEM. HOWEVER, THEY WILL BE MADE A MATTER OF PUBLIC RECORD BY THE CONGRESS AND WE EXPECT THEY WILL RECEIVE ATTENTION IN THE PRESS.

BEGIN TEXT. SINCE THE SOMOZA FAMILY'S RISE TO POLITICAL DOMINANCE MORE THAN FORTY-TWO YEARS AGO THROUGH CONTROL OF THE NATIONAL GUARD AND THE LIBERAL PARTY, NICARAGUA HAS BEEN LED BY AN AUTHORITARIAN POLITICAL REGIME. STABILITY HAS BEEN MAINTAINED, THE ECONOMY HAS EXPANDED, THE LEGALLY RECOGNIZED OPPOSITION CONSERVATIVE PARTY HAS BEEN ALLOWED TO CONTEST ELECTIONS AND PARTICIPATE IN GOVERNMENTAL BODIES AND OTHER NON-VIOLENT OPPOSITION GROUPS HAVE BEEN ALLOWED TO FUNCTION. HOWEVER, THE LIMITED NATURE OF THE CHANNELS OF DISSENT IN A RESTRICTED POLITICAL SYSTEM, ALONG WITH DISPARITIES IN ECONOMIC LIMITED OFFICIAL USE

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CONDITIONS, HAVE PROVIDED A FOUNDATION FOR THE GROWTH OF A RADICAL OPPOSITION MOVEMENT.

IN DECEMBER 1974, A LEFTIST GROUP, THE NATIONAL SANDINISTA LIBERATION FRONT (FSLN) CARRIED OUT A DRAMATIC TERRORIST ATTACK AIMED AT THE GOVERNMENT. THE NICARAGUAN GOVERNMENT RESPONDED BY IMPOSING MARTIAL LAW AND PRESS CENSORSHIP AND BY INITIATING A COUNTER-INSURGENCY CAMPAIGN IN RURAL AREAS. DURING THAT CAMPAIGN, SERIOUS ABUSES OF THE RIGHTS OF THE PERSON WERE COMMITTED BY THE NATIONAL GUARD. IN EARLY 1977, PRESIDENT SOMOZA ORDERED THE NATIONAL GUARD COMMANDERS TO AVOID ANY ABUSES WHATEVER. SINCE THAT TIME, ALLEGATIONS OF NEW DISAPPEARANCES OR KILLINGS BY THE NATIONAL GUARD HAVE MARKEDLY DIMINISHED. ON SEPTEMBER 19, 1977, THE STATE OF SIEGE WAS TERMINATED, WITH ELIMINATION OF PRESS CENSORSHIP. SUBSEQUENTLY, THE POLITICAL SCENE HAS BEEN CHARACTERIZED BY VEHEMENT AND LIVELY PRESS AND PUBLIC DEBATE, ATTACKS BY THE FSLN ON NATIONAL GUARD

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OPPOSITION LEADER PEDRO JOAQUIN CHAMORRO IN EARLY JANUARY 1978.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

ALLEGATIONS OF TORTURE HAVE BEEN MADE BY SOME PERSONS DETAINED BY THE NATIONAL GUARD BOTH IN REMOTE RURAL AREAS AND IN JAILS IN MANAGUA. THESE CHARGES HAVE BEEN PROMINENTLY REPORTED IN LOCAL NEWSPAPERS, BOTH PRIOR TO AND SINCE THE END OF CENSORSHIP. THE NICARAGUAN BISHOPS (IN THEIR PASTORAL LETTER OF JANUARY 8, 1977) AND AMNESTY INTERNATIONAL CHARGED THE NATIONAL GUARD WITH LIMITED OFFICIAL USE

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B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

MOST CHARGES OF THIS NATURE REFERRED TO NATIONAL GUARD OPERATIONS AGAINST THE FSLN OR PURPORTED SUPPORTERS OF THE FSLN IN THE RURAL NORTH PRIOR TO FEBRUARY 1977. ACCUSATIONS INCLUDED MURDER, RAPE AND OTHER MISTREATMENT OF PEASANTS. THE CAPUCHIN ORDER IN NICARAGUA, WHO WERE ACTIVE IN THE REMOTE AREA FROM WHICH MOST REPORTS OF ABUSES CAME, LISTED 28 REPORTED DISAPPEARANCES OR KILLINGS DURING EIGHT MONTHS IN 1975, OVER 200 IN 1976, AND 55 DURING JANUARY 1977. NO FURTHER REPORTS BY THE CAPUCHINS OF DEATHS OR DISAPPEARANCES HAVE BEEN RECEIVED SINCE FEBRUARY 1977. SINCE THE END OF MARTIAL LAW IN SEPTEMBER, THE CAPUCHINS REPORTED THE RETURN OF SEVERAL PERSONS WHO WERE PREVIOUSLY RECORDED AS MISSING. ADDITIONAL ALLEGATIONS, FROM OTHER SOURCES, OF GUARD KILLINGS AND ABUSES HAVE BEEN RECEIVED, BUT MOST HAVE BEEN VAGUE ON DETAILS OR LACK CORROBORATION. OVERALL, IT APPEARS THAT MANY OF THE ALLEGATIONS OF CRUEL, INHUMAN, AND DEGRADING TREATMENT DURING THE COURSE OF NATIONAL GUARD OPERATIONS AGAINST THE FSLN WERE WELL FOUNDED, BUT OTHERS ARE MORE DUBIOUS. THE NUMBER OF REPORTED ABUSES AND THEIR SEVERITY HAVE DECREASED MARKEDLY OVER THE PAST YEAR. NEVERTHELESS, ISOLATED INCIDENTS STILL

OCCUR. FOR EXAMPLE, IN DECEMBER 1977, THREE U.S. NUNS AND A SPANISH PRIEST WERE BEATEN BY NATIONAL GUARDSMEN LIMITED OFFICIAL USE

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WHILE THE LATTER WERE BREAKING UP A PUBLIC GATHERING IN MANAGUA.

PRISON CONDITIONS ARE GENERALLY POOR. THE DEGREE OF AMENITIES AVAILABLE TO THOSE DETAINED IS DEPENDENT UPON THEIR ABILITY TO OBTAIN MATERIAL ASSISTANCE FROM FAMILY OR FRIENDS.

PRIOR TO THE LIFTING OF THE STATE OF SIEGE, PRISONERS WERE AT TIMES SEVERELY MISTREATED. SINCE THEN, SOME CONTINUED ABUSES HAVE BEEN REPORTED, BUT THEIR FREQUENCY HAS BEEN SUBSTANTIALLY REDUCED.

C. ARBITRARY ARREST OR IMPRISONMENT

LENGTH AND SOMETIMES INCOMMUNICADO DETENTION ON SECURITY GROUNDS WITHOUT FORMAL CHARGE, WHICH PREVIOUSLY OCCURRED APPEARS TO HAVE BEEN CURTAILED OR TERMINATED FOLLOWING THE LIFTING OF THE STATE OF SIEGE. NEVERTHELESS, PERSONS SUSPECTED OF FSLN COLLABORATION, OR OTHER ACTIVITIES WHICH THE GOVERNMENT CONSIDERS PREJUDICIAL TO ITS INTERESTS CONTINUE TO BE DETAINED WITHOUT FORMAL CHARGE FOR SHORT PERIODS OF INVESTIGATION. IT IS ESTIMATED THERE ARE BETWEEN SIXTY AND ONE HUNDRED PERSONS INCARCERATED AS A RESULT OF CHARGES OF OUR CONVICTIONS FOR VIOLENT REVOLUTIONARY ACTS, OTHER PROSCRIBED POLITICAL ACTIVITIES, AND POLITICALLY MOTIVATED CIVIL CRIMES. ABOUT HALF OF THESE PRISONERS ARE HELD AS A RESULT OF THEIR CONVICTION IN THE FSLN TRIALS LAST FEBRUARY. OTHERS ARE BEING HELD UNDER INDICTMENT AS A RESULT OF ALLEGED FSLN ACTIVITY, MAINLY PARTICIPATION IN ARMED ATTACKS ON THE NATIONAL GUARD. STILL OTHERS HAVE BEEN SENTENCED TO SHORT PERIODS OF INCARCERATION ON CONVICTION FOR SUCH ACTIVITIES AS DISTRIBUTING OR POSTING "SUBVERSIVE" PROPAGANDA TRACTS. IN ADDITION TO ANTI-REGIME POLITICAL ACTIVITIES, SOME OF THESE PERSONS WERE ALSO CONVICTED OF CIVIL CRIMES

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SUCH AS MURDER, ASSAULT, ROBBERY, KIDNAPPING, ETC.

D. DENIAL OF FAIR PUBLIC TRIAL

WITH REMOVAL OF THE STATE OF SIEGE, PUBLIC TRIAL BY JURY IN OPEN CIVILIAN COURT FOR ALL SERIOUS CRIMINAL OFFENSES, HAS BEEN REINSTITUTED. IT IS NOT YET CLEAR WHETHER ALL

PERSONS DETAINED ON POLITICAL CHARGES RECEIVE PUBLIC TRIAL.

UNDER MARTIAL LAW, CASES OF ALLEGED PARTICIPATION IN THE FSLN WERE REMANDED TO A MILITARY INVESTIGATIVE COURT. THIS BODY, IN TURN, REFERRED CASES TO A COUNCIL OF WAR FOR CONSIDERATION AND FINAL SENTENCING. BOTH THESE PROCEEDINGS WERE OPEN TO THE PUBLIC AND DEFENSE ATTORNEYS WERE PROVIDED AFTER INDICTMENT, THOUGH NOT BEFORE. MOST OF THE SEVERAL HUNDRED PEOPLE DETAINED DURING THE PAST TWO YEARS FOR SUSPICION OF SECURITY OFFENSES WERE HELD FOR RELATIVELY SHORT PERIODS BEFORE BEING RELEASED. ON FEBRUARY 25, 1977, THE NICARAGUAN EXTRAORDINARY COUNCIL OF WAR HANDED DOWN GUILTY VERDICTS ON 110 PRISONERS (SOME 75 WERE TRIED IN ABSENTIA) AFTER MORE THAN 2 YEARS OF MILITARY COURT PROCEEDINGS. PRISON SENTENCES RANGED FROM THE MAXIMUM LEGAL TERM OF 30 YEARS TO 18 MONTHS. IN LATE MARCH, THE MILITARY BOARD OF APPEAL REVIEWED MOST OF THESE SENTENCES AND REDUCED 17 OF THEM, MAKING 10 PERSONS ELIGIBLE FOR RELEASE ON THE BASIS OF TIME ALREADY SERVED. LAWYERS FOR OTHER PRISONERS FURTHER APPEALED THEIR SENTENCES TO THE CIVILIAN SUPREME COURT, WHICH ULTIMATELY CONFIRMED THE CONVICTIONS.

E. INVASION OF THE HOME

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THERE HAVE BEEN SOME CREDIBLE REPORTS OF THE NATIONAL GUARD INVADING HOMES DURING 1977. THESE REPORTED INCIDENTS WERE GENERALLY RELATED TO SEARCH OPERATIONS FOR THE FSLN OR ITS SUPPORTERS.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

THE GOVERNMENT IS ENGAGED IN AN AMBITIOUS INTEGRATED RURAL DEVELOPMENT PROGRAM TO BETTER THE LIFE OF THE RURAL POOR, INCLUDING CHANGES IN LAND TENURE. A.I.D. EFFORTS SUPPORTING THE GOVERNMENT'S PROGRAM FOCUSED PRIMARILY ON SMALL FARMER DEVELOPMENT PROGRAMS; ON SOLVING PROBLEMS IN NUTRITION, HEALTH DELIVERY AND FAMILY PLANNING; AND ON DEVELOPING MORE RELEVANT AND LESS COSTLY FORMS OF EDUCATION. THE GOVERNMENT CONTRIBUTES 40-60 OF THE TOTAL PROJECT COSTS ON AID-SUPPORTED PROJECTS. IN ADDITION, THE GOVERNMENT IS STILL ENGAGED IN RECONSTRUCTING MANAGUA AFTER THE MASSIVE EARTHQUAKE ON DECEMBER 1972. THE PRESENT EFFORT IS LARGELY DIRECTED AT PROVIDING AND UPGRADING HOUSING, WATER, SEWERS AND OTHER ESSENTIAL

SERVICES TO LOW INCOME FAMILIES.

CORRUPTION OCCURS IN NICARAGUA AND HAS EVEN BEEN RUMORED TO HAVE AFFECTED THE EARTHQUAKE RECONSTRUCTION PROGRAM. SOME HAVE ALLEGED INVOLVEMENT BY MEMBERS OF THE SOMOZA FAMILY AS WELL AS OTHER PROMINENT NICARAGUANS. CORRUPTION UNDOUBTEDLY DIVERTS SOME RESOURCES AWAY FROM THE POOR. HOWEVER, NUMEROUS INVESTIGATIONS OF AID-ASSISTED PROJECTS SINCE 1973 BY THE GAO, CONGRESSIONAL AND A.I.D. AUDITORS AND INVESTIGATORS HAVE NOT SUBSTANTIATED THOSE CHARGES WITH REGARD TO AID FUNDS.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

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A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY

THE STATE OF SIEGE, WITH LIMITED MARTIAL LAW AND CENSORSHIP, IMPOSED IN 1974, WAS REMOVED ON SEPTEMBER 19, 1977. THE PRIMARY IMPACT OF THE STATE OF SIEGE ON CIVIL AND POLITICAL LIBERTIES WAS CENSORSHIP OF THE MEDIA, OCCASIONAL CURFEWS IN AREAS OF SUSPECTED FSLN OPERATIONS, AND THE REQUIREMENT THAT POLITICAL RALLIES BE HELD INDOORS. THESE RESTRICTIONS ARE NO LONGER IN FORCE. HOWEVER, THERE CONTINUES IN FORCE A RADIO AND TELEVISION CODE WHICH IS OVER TEN YEARS OLD AND HAS BEEN USED BY THE GOVERNMENT TO PENALIZE THOSE IT JUDGED TO HAVE BEEN RESPONSIBLE FOR SEDITION OR DEFAMATORY BROADCASTS.

SINCE THE LIFTING OF THE STATE OF SIEGE, THE PRESS HAS AGAIN BECOME FREE AND VIGOROUS, WITH THE COUNTRY'S LARGEST NEWSPAPER AND ITS MOST IMPORTANT PROVINCIAL NEWSPAPER OFTEN CRITICAL OF THE SOMOZA GOVERNMENT. BOTH IN THE PRESS AND IN PUBLIC AND PRIVATE GATHERINGS, MANY NICARAGUANS EXERCISE FREEDOM OF SPEECH THROUGH CRITICISM OF THE GOVERNMENT WITHOUT APPARENT FEAR OR NEGATIVE CONSEQUENCE.

THE LABOR MOVEMENT, WHILE WEAK, HAS FOUR MAJOR ELEMENTS: ONE CONTROLLED BY THE GOVERNMENT, ONE INDEPENDENT, ONE SOCIAL CHRISTIAN, AND ONE CONTROLLED BY SELF-STYLED, MOSCOW-LINE COMMUNISTS. THE AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT HAS AN ACTIVE PROGRAM WITH THE INDEPENDENTS. THE BUILDING TRADES UNION, ONE OF THE LARGEST IN THE COUNTRY, IS UNDER COMMUNIST LEADERSHIP, AND THE LEADERS ARE GENERALLY PERMITTED TO CARRY OUT OPENLY THEIR TRADE UNION ACTIVITIES. NEVERTHELESS, SOME DETEN-

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TIONS O; THIS GROUP HAVE OCCURRED. AS AMNESTY INTERNATIONAL

HAS REPORTED (REFERRING TO THE 1974--76 PERIOD) SOME TRADE UNION ACTIVISTS AND MEMBERS OF LEGAL POLITICAL PARTIES MAY HAVE BEEN REPEATEDLY IMPRISONED ON POLITICAL GROUNDS.

FREEDOM OF RELIGION IS RESPECTED.

THE RIGHT TO PEACEFUL ASSEMBLY IS GUARANTEED UNDER THE CONSTITUTION, BUT OUTDOOR ASSEMBLIES WERE PROHIBITED UNDER THE RECENT STATE OF SIEGE. THE GOVERNMENT HAS PLACED NO IMPEDIMENT ON RECENT OUTDOOR RALLIES BY OPPOSITION POLITICAL GROUPS.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

TRADITIONALLY, PERSONS WHO HAVE FLED THE COUNTRY TO AVOID INVESTIGATION OR PROCEEDINGS FOR PARTICIPATION IN REVOLUTIONARY ACTIVITIES HAVE EVENTUALLY BEEN PERMITTED TO RETURN. THERE ARE ONLY A FEW POLITICAL EXILES AT PRESENT. MOVEMENT WITHIN THE COUNTRY IS UNRESTRICTED WITH THE EXCEPTION OF A REQUIREMENT FOR PERMITS TO MOVE FROM OR INTO AREAS WHERE THERE ARE ACTIVE COUNTER-INSURGENCY OPERATIONS. DURING THE PAST TWO YEARS, TWO MEMBERS OF THE LARGE GROUP OF RESIDENT FOREIGN PRIESTS HAVE BEEN DENIED VISA RENEWAL OR RE-ENTRY, APPARENTLY BECAUSE IN THE EYES OF THE AUTHORITIES THEY WERE INVOLVED IN ANTI-GOVERNMENTAL ACTIVITIES.

EMIGRATION AND FOREIGN TRAVEL ARE UNHINDRED EXCEPT FOR THE REQUIREMENT THAT THE TRAVELER OBTAIN AN EXIT PERMIT. A PASSPORT OR EXIT PERMIT MAY NOT BE ISSUED TO PERSONS AGAINST WHOM THERE IS LEGAL ACTION PENDING.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

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THE ONLY POLITICAL PARTIES WHICH HAVE ESTABLISHED JURIDICAL RECOGNITION UNDER THE CONSTITUTIONAL REQUIREMENTS IN NICARAGUA ARE THE PLN (LIBERALS--THE DOMINANT, SOMOZA-BACKED GROUP) AND THE PCN, THE OFFICIAL OPPOSITION CONSERVATIVE PARTY. THE PCN, WHICH IS CONSTITUTIONALLY GUARANTEED 40 REPRESENTATION IN CONGRESS PLUS SEATS ON

THE SUPREME COURT, LOWER COURTS AND ELECTORAL TRIBUNALS AND IN ALL MINISTRIES AND AUTONOMOUS AGENCIES, HAS BEEN GENERALLY FREE FROM POLITICAL RESTRICTIONS.

THERE WAS, HOWEVER, OCCASIONAL CENSORSHIP OF ITS CRITICISMS OF THE GOVERNMENT UNDER THE RECENT STATE OF SIEGE. OTHER OPPOSITION POLITICAL PARTIES, FACTIONS, AND MOVEMENTS WHICH HAVE NOT TRIED (OR HAVE BEEN UNSUCCESSFUL IN THEIR ATTEMPTS) TO OBTAIN JURIDICAL RECOGNITION UNDER THE CONSTITUTIONAL PROVISIONS NONETHELESS EXIST, HOLD POLITICAL RALLIES AND CIRCULATE MANIFESTOS. THE MOST ACTIVE OPPOSITION MOVEMENT, THE UNION OF DEMOCRATIC LIBERATION (UDEL), IS A COALITION OF DIVERSE GROUPS INCLUDING DISSIDENT LIBERALS AND CONSERVATIVES, SOCIAL CHRISTIANS, INDEPENDENTS AND THE SMALL, ILLEGAL COMMUNIST PARTY. UDEL, UNDER THE FORMER STATE OF SIEGE, ENCOUNTERED SPORADIC, LOW-LEVEL HARASSMENT. IT HAS HELD FREQUENT POLITICAL RALLIES DURING THE PAST YEAR. UNTIL HIS DEATH, THE MOVEMENT'S FORMER PRESIDENT, PEDRO JOAQUIN CHAMORRO, WAS ABLE TO PUBLICIZE ITS ACTIVITIES IN HIS NEWSPAPER, LA PRENSA, NICARAGUA'S LARGEST CIRCULATION DAILY.

OPPOSITION POLITICIANS GENERALLY FEEL STRONGLY THAT THE ELECTORAL PROCESS IS FRAUDULENT AND MANIPULATED BY THE REGIME. THERE HAVE BEEN SUBSTANTIAL ALLEGATIONS OF FRAUD AND MANIPULATION IN CONNECTION WITH REGISTRATION LIMITED OFFICIAL USE

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FOR THE IMPENDING MUNICIPAL ELECTIONS IN FEBRUARY 1978.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

NUMEROUS LOCAL INDIVIDUALS AND COMMITTEES ARE ACTIVE IN INVESTIGATING HUMAN RIGHTS VIOLATIONS AND PUBLICIZING THEIR FINDINGS. THE COMMITTEES, MOST OF WHICH WERE FORMED IN EARLY 1977, HAVE HAD ACCESS TO THE PRESS TO AIR THEIR CONCERNS SINCE THE END OF CENSORSHIP. THERE HAVE BEEN OUTSIDE INVESTIGATIONS BY AMNESTY INTERNATIONAL IN 1976 AND THE INTERNATIONAL RED CROSS IN 1976 AND 1977 AS WELL AS RECENT INTERNAL INVESTIGATIONS BY THE NATIONAL GUARD OF ALLEGATIONS AGAINST IT. BUT THERE HAS BEEN NO INTERNAL OR OUTSIDE INVESTIGATION OF THE ALLEGATIONS AGAINST THE NATIONAL GUARD FOR WIDESPREAD KILLING OF PEASANTS DURING 1975 AND 1976.

THE GOVERNMENT OF NICARAGUA HAS NOT YET INVITED THE INTER-AMERICAN HUMAN RIGHTS COMMISSION OR OTHER OUTSIDE BODIES TO INVESTIGATE ALLEGATIONS OF HUMAN RIGHTS

VIOLATIONS. THE GOVERNMENT POSITION HAS BEEN THAT FURTHER
OUTSIDE INVESTIGATIONS ARE UNNECESSARY BECAUSE THE

RESTITUTION OF FULL CIVIL LIBERTIES AND FREEDOM OF THE
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OCCUR. FOR EXAMPLE, IN DECEMBER 1977, THREE U.S. NUNS AND A SPANISH PRIEST WERE BEATEN BY NATIONAL GUARDSMEN WHILE THE LATTER WERE BREAKING UP A PUBLIC GATHERING IN MANAGUA.

PRISON CONDITIONS ARE GENERALLY POOR. THE DEGREE OF AMENITIES AVAILABLE TO THOSE DETAINED IS DEPENDENT UPON THEIR ABILITY TO OBTAIN MATERIAL ASSISTANCE FROM FAMILY OR FRIENDS.

PRIOR TO THE LIFTING OF THE STATE OF SIEGE, PRISONERS WERE AT TIMES SEVERELY MISTREATED. SINCE THEN, SOME CONTINUED ABUSES HAVE BEEN REPORTED, BUT THEIR FREQUENCY HAS BEEN SUBSTANTIALLY REDUCED.

C. ARBITRARY ARREST OR IMPRISONMENT

LENGTH AND SOMETIMES INCOMMUNICADO DETENTION ON SECURITY GROUNDS WITHOUT FORMAL CHARGE, WHICH PREVIOUSLY OCCURRED APPEARS TO HAVE BEEN CURTAILED OR TERMINATED FOLLOWING THE LIFTING OF THE STATE OF SIEGE. NEVERTHELESS, PERSONS SUSPECTED OF FSLN COLLABORATION, OR OTHER ACTIVITIES WHICH THE GOVERNMENT CONSIDERS PREJUDICIAL TO ITS INTERESTS CONTINUE TO BE DETAINED WITHOUT FORMAL CHARGE FOR SHORT PERIODS OF INVESTIGATION. IT IS ESTIMATED THERE ARE BETWEEN SIXTY AND ONE HUNDRED PERSONS INCARCERATED AS A RESULT OF CHARGES OF OUR CONVICTIONS FOR VIOLENT REVOLUTIONARY ACTS, OTHER PROSCRIBED POLITICAL ACTIVITIES, AND POLITICALLY MOTIVATED CIVIL CRIMES. ABOUT HALF OF THESE PRISONERS ARE HELD AS A RESULT OF THEIR CONVICTION IN THE FSLN TRIALS LAST FEBRUARY. OTHERS ARE BEING HELD UNDER INDICTMENT AS A RESULT OF ALLEGED FSLN ACTIVITY, MAINLY PARTICIPATION IN ARMED ATTACKS ON THE NATIONAL GUARD. STILL OTHERS HAVE BEEN SENTENCED TO SHORT PERIODS

OF INCARCERATION ON CONVICTION FOR SUCH ACTIVITIES AS
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DISTRIBUTING OR POSTING "SUBVERSIVE" PROPAGANDA TRACTS.
IN ADDITION TO ANTI-REGIME POLITICAL ACTIVITIES, SOME
OF THESE PERSONS WERE ALSO CONVICTED OF CIVIL CRIMES
SUCH AS MURDER, ASSAULT, ROBBERY, KIDNAPPING, ETC.

D. DENIAL OF FAIR PUBLIC TRIAL

WITH REMOVAL OF THE STATE OF SIEGE, PUBLIC TRIAL BY JURY
IN OPEN CIVILIAN COURT FOR ALL SERIOUS CRIMINAL OFFENSES,
HAS BEEN REINSTITUTED. IT IS NOT YET CLEAR WHETHER ALL
PERSONS DETAINED ON POLITICAL CHARGES RECEIVE PUBLIC
TRIAL.

UNDER MARTIAL LAW, CASES OF ALLEGED PARTICIPATION IN THE
FSLN WERE REMANDED TO A MILITARY INVESTIGATIVE COURT.
THIS BODY, IN TURN, REFERRED CASES TO A COUNCIL OF WAR
FOR CONSIDERATION AND FINAL SENTENCING. BOTH THESE
PROCEEDINGS WERE OPEN TO THE PUBLIC AND DEFENSE ATTORNEYS
WERE PROVIDED AFTER INDICTMENT, THOUGH NOT BEFORE.
MOST OF THE SEVERAL HUNDRED PEOPLE DETAINED DURING THE PAST
TWO YEARS FOR SUSPICION OF SECURITY OFFENSES WERE HELD
FOR RELATIVELY SHORT PERIODS BEFORE BEING RELEASED.
ON FEBRUARY 25, 1977, THE NICARAGUAN EXTRAORDINARY
COUNCIL OF WAR HANDED DOWN GUILTY VERDICTS ON 110 PRISONERS
(SOME 75 WERE TRIED IN ABSENTIA) AFTER MORE THAN 2 YEARS
OF MILITARY COURT PROCEEDINGS. PRISON SENTENCES RANGED
FROM THE MAXIMUM LEGAL TERM OF 30 YEARS TO 18 MONTHS.
IN LATE MARCH, THE MILITARY BOARD OF APPEAL REVIEWED MOST
OF THESE SENTENCES AND REDUCED 17 OF THEM, MAKING 10
PERSONS ELIGIBLE FOR RELEASE ON THE BASIS OF TIME ALREADY
SERVED. LAWYERS FOR OTHER PRISONERS FURTHER APPEALED
THEIR SENTENCES TO THE CIVILIAN SUPREME COURT, WHICH
ULTIMATELY CONFIRMED THE CONVICTIONS.

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E. INVASION OF THE HOME

THERE HAVE BEEN SOME CREDIBLE REPORTS OF THE NATIONAL GUARD
INVADING HOMES DURING 1977. THESE REPORTED INCIDENTS
WERE GENERALLY RELATED TO SEARCH OPERATIONS FOR THE
FSLN OR ITS SUPPORTERS.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT
OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND
EDUCATION

THE GOVERNMENT IS ENGAGED IN AN AMBITIOUS INTEGRATED
RURAL DEVELOPMENT PROGRAM TO BETTER THE LIFE OF THE RURAL
POOR, INCLUDING CHANGES IN LAND TENURE. A.I.D. EFFORTS
SUPPORTING THE GOVERNMENT'S PROGRAM FOCUSED PRIMARILY
ON SMALL FARMER DEVELOPMENT PROGRAMS; ON SOLVING PROBLEMS
IN NUTRITION, HEALTH DELIVERY AND FAMILY PLANNING; AND
ON DEVELOPING MORE RELEVANT AND LESS COSTLY FORMS OF
EDUCATION. THE GOVERNMENT CONTRIBUTES 40-60 OF THE
TOTAL PROJECT COSTS ON AID-SUPPORTED PROJECTS. IN
ADDITION, THE GOVERNMENT IS STILL ENGAGED IN RECONSTRUCT-
ING MANAGUA AFTER THE MASSIVE EARTHQUAKE ON DECEMBER
1972. THE PRESENT EFFORT IS LARGELY DIRECTED AT PROVIDING
AND UPGRADING HOUSING, WATER, SEWERS AND OTHER ESSENTIAL
SERVICES TO LOW INCOME FAMILIES.

CORRUPTION OCCURS IN NICARAGUA AND HAS EVEN BEEN RUMORED
TO HAVE AFFECTED THE EARTHQUAKE RECONSTRUCTION PROGRAM.
SOME HAVE ALLEGED INVOLVEMENT BY MEMBERS OF THE SOMOZA
FAMILY AS WELL AS OTHER PROMINENT NICARAGUANS. CORRUP-
TION UNDOUBTEDLY DIVERTS SOME RESOURCES AWAY FROM THE
POOR. HOWEVER, NUMEROUS INVESTIGATIONS OF AID-ASSISTED
PROJECTS SINCE 1973 BY THE GAO, CONGRESSIONAL AND
A.I.D. AUDITORS AND INVESTIGATORS HAVE NOT SUBSTANTIATED
THOSE CHARGES WITH REGARD TO AID FUNDS.

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3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND
ASSEMBLY

THE STATE OF SIEGE, WITH LIMITED MARTIAL LAW AND CENSORSHIP,
IMPOSED IN 1974, WAS REMOVED ON SEPTEMBER 19, 1977. THE
PRIMARY IMPACT OF THE STATE OF SIEGE ON CIVIL AND POLITI-
CAL LIBERTIES WAS CENSORSHIP OF THE MEDIA, OCCASIONAL
CURFEWS IN AREAS OF SUSPECTED FSLN OPERATIONS, AND THE
REQUIREMENT THAT POLITICAL RALLIES BE HELD INDOORS. THESE
RESTRICTIONS ARE NO LONGER IN FORCE. HOWEVER, THERE CON-
TINUES IN FORCE A RADIO AND TELEVISION CODE WHICH IS OVER
TEN YEARS OLD AND HAS BEEN USED BY THE GOVERNMENT TO PENA-
LIZE THOSE IT JUDGED TO HAVE BEEN RESPONSIBLE FOR
SEDITIONOUS OR DEFAMATORY BROADCASTS.

SINCE THE LIFTING OF THE STATE OF SIEGE, THE PRESS HAS
AGAIN BECOME FREE AND VIGOROUS, WITH THE COUNTRY'S LARGEST

NEWSPAPER AND ITS MOST IMPORTANT PROVINCIAL NEWSPAPER OFTEN CRITICAL OF THE SOMOZA GOVERNMENT. BOTH IN THE PRESS AND IN PUBLIC AND PRIVATE GATHERINGS, MANY NICARAGUANS EXERCISE FREEDOM OF SPEECH THROUGH CRITICISM OF THE GOVERNMENT WITHOUT APPARENT FEAR OR NEGATIVE CONSEQUENCE.

THE LABOR MOVEMENT, WHILE WEAK, HAS FOUR MAJOR ELEMENTS: ONE CONTROLLED BY THE GOVERNMENT, ONE INDEPENDENT, ONE SOCIAL CHRISTIAN, AND ONE CONTROLLED BY SELF-STYLED, MOSCOW-LINE COMMUNISTS. THE AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT HAS AN ACTIVE PROGRAM WITH THE INDEPENDENTS. THE BUILDING TRADES UNION, ONE OF THE LARGELIMITED OFFICIAL USE

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EST IN THE COUNTRY, IS UNDER COMMUNIST LEADERSHIP, AND THE LEADERS ARE GENERALLY PERMITTED TO CARRY OUT OPENLY THEIR TRADE UNION ACTIVITIES. NEVERTHELESS, SOME DETENTIONS O; THIS GROUP HAVE OCCURRED. AS AMNESTY INTERNATIONAL

HAS REPORTED (REFERRING TO THE 1974--76 PERIOD) SOME TRADE UNION ACTIVISTS AND MEMBERS OF LEGAL POLITICAL PARTIES MAY HAVE BEEN REPEATEDLY IMPRISONED ON POLITICAL GROUNDS.

FREEDOM OF RELIGION IS RESPECTED.

THE RIGHT TO PEACEFUL ASSEMBLY IS GUARANTEED UNDER THE CONSTITUTION, BUT OUTDOOR ASSEMBLIES WERE PROHIBITED UNDER THE RECENT STATE OF SIEGE. THE GOVERNMENT HAS PLACED NO IMPEDIMENT ON RECENT OUTDOOR RALLIES BY OPPOSITION POLITICAL GROUPS.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

TRADITIONALLY, PERSONS WHO HAVE FLED THE COUNTRY TO AVOID INVESTIGATION OR PROCEEDINGS FOR PARTICIPATION IN REVOLUTIONARY ACTIVITIES HAVE EVENTUALLY BEEN PERMITTED TO RETURN. THERE ARE ONLY A FEW POLITICAL EXILES AT PRESENT. MOVEMENT WITHIN THE COUNTRY IS UNRESTRICTED WITH THE EXCEPTION OF A REQUIREMENT FOR PERMITS TO MOVE FROM OR INTO AREAS WHERE THERE ARE ACTIVE COUNTER-INSURGENCY OPERATIONS. DURING THE PAST TWO YEARS, TWO MEMBERS OF THE LARGE GROUP OF RESIDENT FOREIGN PRIESTS HAVE BEEN DENIED VISA RENEWAL OR RE-ENTRY, APPARENTLY BECAUSE IN THE EYES OF THE AUTHORITIES THEY WERE INVOLVED IN ANTI-GOVERNMENTAL ACTIVITIES.

EMIGRATION AND FOREIGN TRAVEL ARE UNHINDRED EXCEPT FOR THE REQUIREMENT THAT THE TRAVELER OBTAIN AN EXIT PERMIT.

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AGAINST WHOM THERE IS LEGAL ACTION PENDING.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE ONLY POLITICAL PARTIES WHICH HAVE ESTABLISHED JURIDICAL RECOGNITION UNDER THE CONSTITUTIONAL REQUIREMENTS IN NICARAGUA ARE THE PLN (LIBERALS--THE DOMINANT, SOMOZA-BACKED GROUP) AND THE PCN, THE OFFICIAL OPPOSITION CONSERVATIVE PARTY. THE PCN, WHICH IS CONSTITUTIONALLY GUARANTEED 40 REPRESENTATION IN CONGRESS PLUS SEATS ON THE SUPREME COURT, LOWER COURTS AND ELECTORAL TRIBUNALS AND IN ALL MINISTRIES AND AUTONOMOUS AGENCIES, HAS BEEN GENERALLY FREE FROM POLITICAL RESTRICTIONS.

THERE WAS, HOWEVER, OCCASIONAL CENSORSHIP OF ITS CRITICISMS OF THE GOVERNMENT UNDER THE RECENT STATE OF SIEGE. OTHER OPPOSITION POLITICAL PARTIES, FACTIONS, AND MOVEMENTS WHICH HAVE NOT TRIED (OR HAVE BEEN UNSUCCESSFUL IN THEIR ATTEMPTS) TO OBTAIN JURIDICAL RECOGNITION UNDER THE CONSTITUTIONAL PROVISIONS NONETHELESS EXIST, HOLD POLITICAL RALLIES AND CIRCULATE MANIFESTOS. THE MOST ACTIVE OPPOSITION MOVEMENT, THE UNION OF DEMOCRATIC LIBERATION (UDEL), IS A COALITION OF DIVERSE GROUPS INCLUDING DISSIDENT LIBERALS AND CONSERVATIVES, SOCIAL CHRISTIANS, INDEPENDENTS AND THE SMALL, ILLEGAL COMMUNIST PARTY. UDEL, UNDER THE FORMER STATE OF SIEGE, ENCOUNTERED SPORADIC, LOW-LEVEL HARASSMENT. IT HAS HELD FREQUENT POLITICAL RALLIES DURING THE PAST YEAR. UNTIL HIS DEATH, THE MOVEMENT'S FORMER PRESIDENT, PEDRO JOAQUIN CHAMORRO, WAS ABLE TO PUBLICIZE ITS ACTIVITIES IN HIS NEWSPAPER, LA PRENSA, NICARAGUA'S LARGEST CIRCULATION DAILY.

OPPOSITION POLITICIANS GENERALLY FEEL STRONGLY THAT THE
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ELECTORAL PROCESS IS FRAUDULENT AND MANIPULATED BY THE REGIME. THERE HAVE BEEN SUBSTANTIAL ALLEGATIONS OF FRAUD AND MANIPULATION IN CONNECTION WITH REGISTRATION FOR THE IMPENDING MUNICIPAL ELECTIONS IN FEBRUARY 1978.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

NUMEROUS LOCAL INDIVIDUALS AND COMMITTEES ARE ACTIVE IN INVESTIGATING HUMAN RIGHTS VIOLATIONS AND PUBLICIZING THEIR FINDINGS. THE COMMITTEES, MOST OF WHICH WERE FORMED IN EARLY 1977, HAVE HAD ACCESS TO THE PRESS TO AIR THEIR CONCERNS SINCE THE END OF CENSORSHIP. THERE HAVE BEEN OUTSIDE INVESTIGATIONS BY AMNESTY INTERNATIONAL IN 1976 AND THE INTERNATIONAL RED CROSS IN 1976 AND 1977 AS WELL AS RECENT INTERNAL INVESTIGATIONS BY THE NATIONAL GUARD OF ALLEGATIONS AGAINST IT. BUT THERE HAS BEEN NO INTERNAL OR OUTSIDE INVESTIGATION OF THE ALLEGATIONS AGAINST THE NATIONAL GUARD FOR WIDESPREAD KILLING OF PEASANTS DURING 1975 AND 1976.

THE GOVERNMENT OF NICARAGUA HAS NOT YET INVITED THE INTER-AMERICAN HUMAN RIGHTS COMMISSION OR OTHER OUTSIDE BODIES TO INVESTIGATE ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS. THE GOVERNMENT POSITION HAS BEEN THAT FURTHER OUTSIDE INVESTIGATIONS ARE UNNECESSARY BECAUSE THE

RESTITUTION OF FULL CIVIL LIBERTIES AND FREEDOM OF THE PRESS ASSURES ACCESS TO LOCAL REDRESS OF ANY VIOLATIONS.
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